

(b) Remarks

This application has been reviewed in light of the final Office Action dated November 1, 2007. The claims are 1, 4-6, 10, and 11 with claim 1 being the sole independent claim. Reconsideration of the claims is expressly requested.

Claims 1, 4, 10, and 11 were rejected under 35 USC § 103(a) as being obvious over U.S. Patent No. 7,029,813 (“Mikuriya”) in view of U.S. Patent No. 5,294,682 (“Fukuda”), U.S. Patent No. 6,475,687 (“Hayashi”), and U.S. Patent No. 6,485,875 (“Karaki”). Claim 5 was rejected under 35 USC § 103(a) as being obvious over Mikuriya in view of Fukuda, Hayashi, Karaki, and further in view of U.S. Patent No. 6,197,470 (“Tamura”). The grounds of rejection are respectfully traversed.

Applicants submit that Mikuriya is disqualified as prior art. Mikuriya was cited by the Examiner as prior art under 35 U.S.C. § 102(e)/103(a). Mikuriya is assigned to Canon Kabushiki Kaisha, has a U.S. filing date of November 21, 2003, a publication date of February 3, 2005, and issued on April 18, 2006, as U.S. Patent No. 7,029,813. The present application, filed on February 26, 2004, claims foreign priority to Japanese Applications Nos. 2003-401335 and 2003-203863, filed on December 1, 2003, and July 30, 2003, respectively.

Applicants wish to disqualify Mikuriya as prior art under 35 U.S.C. § 103(c)(1) by stating for the record that the subject Application No. 10/786,050 and Mikuriya (U.S. Patent No. 7,029,813) were, at the time of the invention of Application No. 10/786,050 was made, owned by Canon Kabushiki Kaisha.

With regard to the double patenting rejections provided in the Office Action on paragraphs 9, 10, 12, and 13, in order to advance the prosecution of the present application and issuance of the claims, Applicants concurrently file herewith unexecuted Terminal Disclaimers disclaiming the terminal part of any patent granted on the above-identified application which would extend beyond the expiration dates of statutory terms of U.S. Patent Nos. 7,029,813 and 7,297,455. Applicants note that U.S. Patent No. 7,297,455 issued from U.S. Patent Application No. 10/900,177. The executed Terminal Disclaimers and disclaimer fee of \$130.00 for each will be filed shortly.

CONCLUSION

In view of the foregoing remarks, Applicants submit that the present application is now in condition for conditional allowance. Accordingly, it is respectfully requested that the final rejection be withdrawn, the response entered, the claims allowed subject to the filing of the executed Terminal Disclaimers and the case passed to issue.

If, for any reason, this application is not deemed to be in allowable form the Examiner is requested to contact the undersigned in an effort to resolve any remaining differences.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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